

# COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL DESIGN, NATIONAL STAGE OF PCT OR CIP APPLICATION)

As a below named inventor, I hereby declare that

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## Improved polymer modified bituminous binder with low emissions

the specification of which: (complete (a), (b) or (c) for type of application)

### REGULAR OR DESIGN APPLICATION

- a. ☐ is attached hereto.  
b. ☐ was filed on \_\_\_\_\_ as Application  
Serial No. \_\_\_\_\_ and was amended on \_\_\_\_\_  
(if applicable)

### PCT FILED APPLICATION ENTERING NATIONAL STAGE

- c. ☒ was described and claimed in International application No. PCT/NL2005/000210  
filed on 18 March 2005  
and as amended on \_\_\_\_\_ (if any)

### ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, paragraph 1.56(a).

In compliance with this duty there is attached an information disclosure statement 37 CFR 1.97

### PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code paragraph 119 of any foreign application (s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent of inventor's certificate having a filing date before that of the application on which priority is claimed.

(complete (d) or (e))

- d. ☐ no such applications have been filed  
e. ☒ such applications have been filed as follows

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION**

Country	Application Number	Date of filing (day, month, year)	Date of Issue (day, month, year)	Priority claimed
Europe	04075882.3	18 March 2004		Yes

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION**

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**CONTINUATION-IN-PART**

(Complete this part only if this is a continuation-in-part application)

I hereby declare claim the benefit under Title 35, United States code, paragraph 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claim of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, paragraph 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, paragraph 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

\_\_\_\_\_  
(Application Serial No.) (Filing date) (Status) (patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.) (Filing date) (Status) (patented, pending, abandoned)

**POWER OF ATTORNEY**

**As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:**

**Barbara E. Johnson, Reg. No. 31,198; William H. Logsdon, Reg.No. 22,132; Richard L. Byrne, Reg. No. 28,498; Russell D. Orkin, Reg.No. 25,363; Blynn L. Shideler, Reg. No. 35,034; David C. Hanson, Reg.No. 23,024; Julie W. Meder, Reg. No. 36,216; Gwendolyn R. Acker Wood, Reg. No. 51,027;**

of

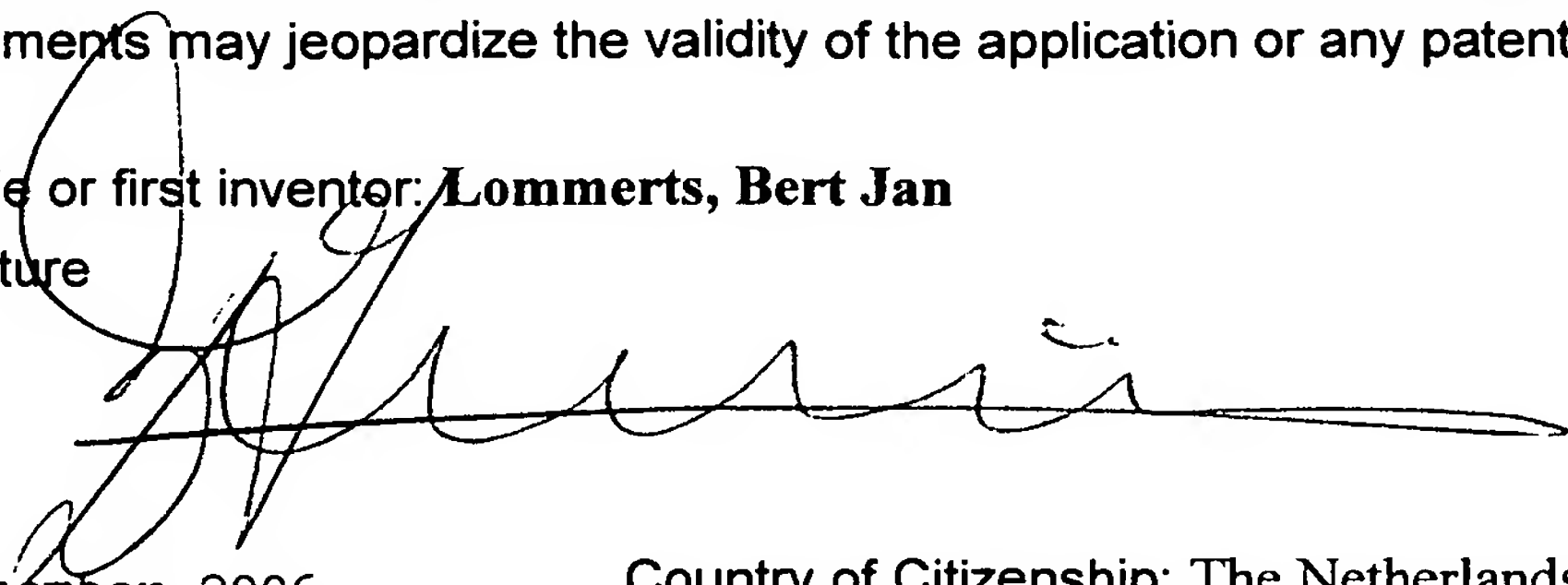
**The Webb Law Firm  
700 Koppers Building  
436 Seventh Avenue  
Pittsburgh, Pa. 15219-1818**

**Telephone: 412/471-8815**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: **Lommerts, Bert Jan**

Inventor's signature



Date 20 September 2006

Country of Citizenship: The Netherlands

Residence Heerhugowaard, The Netherlands

Post Office Address: Middenweg 41, NL-1703 RB Heerhugowaard, The Netherlands

Full name of second inventor: **van Loef, Anton Nico**

Inventor's signature



Date 20 September 2006

Country of Citizenship: The Netherlands

Residence Leiden, The Netherlands

Post Office Address: Tuinderijpad 5, NL-2324 MC Leiden, The Netherlands

Full name of third inventor: **Verweij, Martinus Rijk**

Inventor's signature



Date 20 September 2006

Country of Citizenship: The Netherlands

Residence Utrecht, The Netherlands

Post Office Address: Kapelweg 13, NL-3566 MK Utrecht, The Netherlands

CHECK PROPER BOX(ES) FOR ANY ADDED PAGE(S) FORMING A PART OF THIS DECLARATION

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERN**

Docket Number (Optional)

Applicant or Patentee:  
Serial or Patent No.:  
Filed or Issued:  
Title:

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☐ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN **Latexfalt B.V.**

ADDRESS OF SMALL BUSINESS CONCERN **Hoogewaard 183  
NL-2396 AP Koudekerk a.d. Rijn  
The Netherlands**

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above  
☐ the application identified above  
☐ the patent identified above

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☐ no such person, concern, or organization exists.  
☐ each such person, concern or organization is listed below

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28 (b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of title 18 of the United State Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING

TITLE OF PERSON IF OTHER THAN OWNER

ADDRESS OF PERSON SIGNING

LOMMERTS, Bert Jan  
Managing Director

DATE 20 September 2006

SIGNATURE